

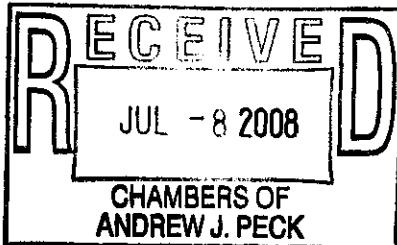
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Via Fax # (212) 805-7933

Hon. Andrew J. Peck, USMJ
United States District Court
Southern District of New York
500 Pearl Street, Chambers
New York, NY 10007



July 8, 2008

Re: Teachers4Action et al v. Bloomberg et al. 08-cv-548 (VM)(AJP)

Honorable Magistrate Judge Peck:

Thank you for Your Honor's quick response to Plaintiffs' July 7, 2008 Letter and for the Entry of the July 7, 2008 Order. In response to the Order, I write to inform the Court of the following:

As to ¶ 1 and the language that " . . . evidence (The Agreement) need not be pleaded". Plaintiffs will incorporate this and related evidence in their upcoming response to Defendants' Motions to Dismiss and such other applications, Cross Motions or such other requests for relief Plaintiffs may believe are appropriate based on the new facts and evidence.

As to ¶ 2 and the language that "Plaintiffs would appear to lack standing – certainly in Federal Court - to move to enforce the Agreement" – It is Plaintiffs' belief that, after the Court has had an opportunity to consider the evidence related to "The Agreement", the issue of standing should be resolved in Plaintiffs' favor. Your Honor's Individual Rule 2 A has no requirement for a Pre-Motion Conference. However, Judge Marrero's Individual Rules II A. does require a Pre-Motion Conference letter. Therefore, consistent with Judge Marrero's Order that all letters be addressed to Your Honor in the first instance, Plaintiffs request that this letter be considered as the Pre-Motion Conference letter, as required by and in compliance with Judge Marrero's Individual Rules, and that Plaintiffs be permitted to move forward with their Motion to Enforce.

As to ¶ 3 Regarding and the language that "Plaintiffs counsel should make a proposal to defendants and defendants should respond" – In compliance with the Court's directive, Plaintiffs confirm that they have transmitted such a proposal to Defendants and will inform the Court of Defendants' response.

As always, thank you for the Court's continued time and consideration of issues in this case.

Respectfully submitted,

Edward D. Fagan

EDF/lrf

Cc: Hon. Victor Marrero USDJ – Via Fax *Review*
Blanche Greenfield Esq. – For NYC Defendants By Fax
Charles Moerdler Esq. – For Defendants UFT, Weingarten & Charney By Fax

MEMO ENDORSED 7/16/08

*Disposition notes (See papers to Marrero to dismiss) as to the 7/16 Marrero motion
was denied. There was a "Motion to
enforce" should be referred to Judge
Marrero*

SO ORDERED:

*Andrew J. Peck
United States Magistrate Judge*

*by ECF. All court
Judge Peck*

BY FAX

FAX TRANSMITTAL SHEET

**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

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Dated: July 16, 2008

Total Number of Pages: 2

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TRANSCRIPTION:

MEMO ENDORSED 7/16/08

Dispositive motions (other than the Motions to Dismiss) are before Judge Marrero so any premotion clearance request for a "Motion to Enforce" should be addressed to Judge Marrero.

Copy to: Judge Victor Marrero